

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LEROY ETCITY,

Plaintiff,

v.

Civil No. 09-641 MCA/RHS

FNU GLANTON, Lt. Corrections Officer,

Defendant.

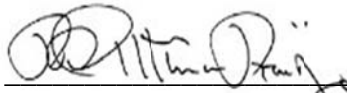
**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD") (Doc. 32) filed September 3, 2013. The time for filing objections expired September 20, 2013. No party has filed objections.

Plaintiff has not filed anything since September 9, 2012. On April 29, 2013, the Magistrate Judge filed an Order Regarding Exhaustion of Administrative Remedies (Doc. 29) directing Defendant to file a brief, or in the alternative, an appropriate motion, addressing whether Plaintiff complied with the Prison Litigation Reform Act's ("PLRA") exhaustion requirement prior to filing his Complaint (Doc. 29 at 2). On May 30, 2013, Defendant filed a Motion to Dismiss (Doc. 30), arguing that Plaintiff did not exhaust his administrative remedies before bringing his Complaint. Plaintiff failed to respond to the Motion to Dismiss. The Magistrate Judge filed the PFRD recommending dismissal of the Complaint for failure to exhaust administrative remedies (Doc 32).

The Court has made a *de novo* determination and agrees with the Magistrate Judge's Proposed Findings and Recommended Disposition, and will grant Defendant's Motion to Dismiss (Doc. 30).

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 32) is adopted by the Court, Defendant's Motion to Dismiss (Doc. 30) is granted, and this civil proceeding is dismissed with prejudice.

A handwritten signature in black ink, appearing to read "D. J. King", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE